

From: Eric Lovell
To: [McClintock, Katie](mailto:McClintock.Katie@epa.gov)
Subject: RE: Request for confidentiality procedures
Date: Friday, February 19, 2016 10:01:57 AM

Ok, great, thanks! I'm on it!

From: McClintock, Katie [<mailto:McClintock.Katie@epa.gov>]
Sent: Friday, February 19, 2016 9:57 AM
To: Eric Lovell
Subject: RE: Request for confidentiality procedures
Thanks Eric.

Let's start with what you have for the refractories and I will let you know if I need more. It sounds like what you have contains the info I am looking for.

From: Eric Lovell [<mailto:eric@uroboros.com>]
Sent: Friday, February 19, 2016 9:35 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: RE: Request for confidentiality procedures

Yes, Katie. Did receive, thank you. Have not yet been able to find, let alone read, all the various regulations cited however. Thanks for confirming deletion of the sample documents. Depending on further distractions from local regulators, media management issues, etc., I hope to get an email out to you this morning with a start on the non-CBI information you requested, with paper copies of further info into today's mail. We are still accumulating the CBI documents and will have them ready as soon as we are comfortable with the EPAs and DEQs ability to protect them as long as they have them in their possession.

Question for you re: furnace refractories. I have on hand technical data sheets from the refractory suppliers for the types we are using. These list the material compositions, density, porosity, etc. Will these suffice for you to confirm the materials we are using, or do you need MSDS for each one?

Sincerely,
Eric L.

From: McClintock, Katie [<mailto:McClintock.Katie@epa.gov>]
Sent: Thursday, February 18, 2016 7:43 PM
To: Eric Lovell
Subject: RE: Request for confidentiality procedures

Eric –

I wanted to confirm that you received this and also confirm with you that we have deleted the email you sent earlier from our server as we will with any CBI emailed to us.

Katie

From: McClintock, Katie
Sent: Thursday, February 18, 2016 11:50 AM
To: 'Eric Lovell' <eric@uroboros.com>
Subject: RE: Request for confidentiality procedures
Eric:

The U.S. EPA regulations governing the receipt and handling of Confidential Business Information (CBI) are found in Title 40 of the Code of Federal Regulations (40 CFR) in Part 2, subpart B, 40 CFR §§ 2.201-2.215. Special rules governing CBI information

obtained under various environmental statutes follow at 40 C.F.R. §§ 2.301-2.311 with § 2.301 being specific to CAA CBI.

In summary the regulations provide that when EPA requires a facility, like yours, to provide information to it, you are entitled to assert a claim of business confidentiality, covering all or any required information, in the manner described at 40 C.F.R. § 2.203(b).

This section explains that to assert a business confidentiality claim, you should place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event. Failure to furnish a business confidentiality claim with submitted information will be construed as a waiver of that claim, and the information may be made available to the public without further notice to you.

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The regulations describe the procedure and the criteria that EPA will use to safeguard the information from unauthorized disclosure and to determine whether specific information is entitled to confidentiality. The regulations also provide that should EPA determine that information is not entitled to confidential treatment, the submitter of the information has the opportunity to challenge that decision prior to the information being released. Note that emission data, which includes information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of emission data, are not entitled to confidential treatment.

Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B.

Let me know if you have any further questions.

Katie McClintock

Air Enforcement Officer

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Mcclintock.katie@epa.gov

From: Eric Lovell [<mailto:eric@uroboros.com>]

Sent: Wednesday, February 17, 2016 11:26 AM

To: McClintock, Katie <McClintock.Katie@epa.gov>

Subject: Request for confidentiality procedures

Dear Ms. McClintock,

As we are preparing copies of our glass formulas to meet your request, I would like to have a letter on EPA stationary, over your signature and title, that describes how EPA intends to protect the confidentiality of them prior to the handover.

I realize we discussed confidentiality verbally during your visit, but due to the extremely valuable intellectual property embodied in these glass formulas and furnace designs, I am uncomfortable releasing them to EPA custody based solely on a verbal description of confidentiality procedures. These formulas and designs are unique in the world, are the life blood of this business and are of vital importance to us.

Therefore, if you would then please provide in written form (electronic delivery accepted), exactly how the department intends to protect the confidentiality of the documents from date of receipt until the date of destruction, which offices will have access to them during that time, how long they will be retained before they are not needed, and how they will be destroyed when no longer needed. Perhaps the EPA already has a printed document available that covers this. I am particularly concerned about EPA sharing with the Oregon DEQ, since public access rules in Oregon allow for almost complete release of all DEQ documents.

Toward this end, George Davis of Oregon DEQ said during a meeting this AM that he could simple review the formulas during a visit here, and would not need to collect copies.

Thank you very much for your attention to this request. We are continuing to make copies of the batch tickets so they are ready to send as soon as I receive your letter. We can send the weekly melt plans ahead in the meantime.

Eric

Eric Lovell

President



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